



American women in radio and television inc.

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Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: MM Doc. 94-34
Notice of Inquiry Regarding
Implementation of Commission's
Equal Employment Opportunity Rules

Dear Mr. Caton:

Transmitted herewith, on behalf of the American Women in
Radio and Television, Inc., are an original and nine copies of its
COMMENTS in the above-referenced proceeding.

Should further information be required, please
communicate directly with the undersigned at 703/841-0606.

Very truly yours,

Melodie A. Virtue
Vice President
Government Relations

Enclosures (9)
MAV/blr

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WILLIAM H. WATSON

FEDERAL COMMUNICATIONS COMMISSION

For the purpose of this study, the following hypotheses were formulated:

Directed to: The Commission

American Women in Radio and Television, Inc. (AWRT), hereby respectfully submits its Comments in response to the Notice of Inquiry, FCC 94-103 (released April 2, 1994) in the above-referenced proceeding:

AWRT is a national, non-profit professional organization of women and men who work in radio, television, cable, broadcast advertising, and closely-related fields. AWRT's membership is intentionally diverse and represents the entire spectrum of professionals in the electronic media: owners of broadcast stations, cable companies, advertising agencies, production companies and other businesses; managers at all levels of broadcasting, cable, and allied fields; sales personnel; engineers and other technical personnel; attorneys; writers; on-air talent; producers; editors; teachers; consultants; researchers; and numerous other professions. Since 1951, AWRT has been working at local, regional, national, and international

levels to improve the quality of the electronic media, to promote the entry, development, and advancement of women in the electronic media and their allied fields, and to facilitate communication and the exchange of ideas in the broadcast industry.

AWRT has participated in judicial decisions likely to have a significant impact upon women interested in broadcast station employment and ownership. AWRT has also submitted comments in numerous rulemaking proceedings at the Commission and has testified before Congress on several occasions concerning the under-representation of women in the electronic media and the need for gender preferences and other policies that foster increased ownership of broadcast facilities by women. Besides conducting its own educational and professional development activities to promote and facilitate employment and ownership and management of communications media by women, AWRT has co-sponsored with the FCC the two highly successful symposia: "Women in the Telecommunications Marketplace" and "The Woman Entrepreneur." AWRT has also written and distributed a publication that it produces with the U.S. Department of Labor, Women on the Job: Careers in the Electronic Media (1990), now in its third edition.

AWRT members have extensive experience with the problems and discrimination historically encountered by women in the broadcast industry, and AWRT has a unique ability to present the views of women who would directly benefit by the FCC's policies and

regulations concerning employment and ownership of women in the electronic media.

General Comments

AWRT continues to be concerned about the underrepresentation of women in employment and ownership in broadcasting, cable, and the electronic media. AWRT supports and encourages the Commission's efforts to increase the levels of women in employment and ownership of broadcasting, cable and other media. Because of the very diverse nature of its membership, however, AWRT is unable to comment on most of the specific questions raised in the NOI. AWRT members are united in their goals but divided on the best methods for achieving those goals. Accordingly, AWRT offers only the following observations and general comments.

In general, AWRT is supportive of the FCC's finding a way to decrease administrative burdens placed on broadcasters if and only if the Commission concludes that these burdens can be reduced without decreasing the effectiveness of its broadcast EEO policies.

AWRT, nationally and through its local chapters and regional area divisions, conducts a job referral service used by broadcast stations and cable companies nationwide as part of their EEO programs. AWRT knows that broadcasters nationwide use its services to distribute job vacancy information, and AWRT makes every attempt to disseminate information about such vacancies as expeditiously as possible.

One resource that AWRT believes the Commission or some other agency of the Government could provide for all broadcasters, cable operators, and other organizations is a directory or data base of organizations that can provide referrals and contacts for referrals. To the best of AWRT's knowledge, the last time such a directory was published was in 1979, when the U.S. Department of Labor published its Directory for Reaching Minority and Women's Groups. That directory is now out of date, and no subsequent edition was ever published. As long as the Commission places reliance on organizations as recruitment sources, it would be helpful for the Commission to make available information on recruitment sources.

While AWRT is generally supportive of the Commission's efforts in increasing the employment of women in the industry, AWRT is very disappointed with the Commission's dismal efforts at increasing ownership of broadcast facilities by women. The Commission has never extended its tax certificate and distress sale policies to women. As long ago as 1981, the Commission indicated that it needed to first conduct a study of women's ownership of broadcast facilities and that such a study was being conducted. See Random Selection/Lottery Systems, 88 F.C.C. 2d 476, 492 (1981). AWRT has no information on whatever happened to the Commission's study. Certainly the Commission did not publish it and did not extend its tax certificate and distress sale policies to women. It should be noted that the Congressional Research Service of the Library of Congress issued a report on

June 29, 1988, based upon a statistical analysis of information obtained from approximately 8,720 radio and television stations in response to a form sent by the FCC in 1987 to about 11,000 stations across the U.S. According to that report, women held a controlling (51-100%) interest in only 7.1% of all broadcast stations. Still the Commission did nothing to address this dramatic underrepresentation of women.

The only policy through which ownership of broadcast stations by women was addressed, fostered or encouraged by the Commission was through enhancements in the comparative hearing process. Unfortunately, when that policy was challenged in Court it was not strenuously defended by the Commission and, when the three judge panel in Lamprecht v. FCC, 958 F.2d 382 (D. C. Cir., 1992), invalidated the gender preference (on grounds that were inconsistent with the Supreme Court's decision in Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990)), the Commission chose not to seek rehearing or appeal from the panel's decision. It is clear that historically the Commission has offered only lukewarm support of efforts to increase the ownership of women in the electronic media.

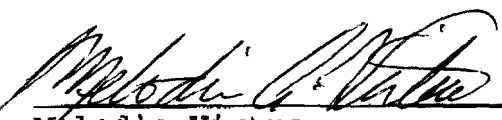
Understanding that the focus of the above-captioned proceeding is employment and not ownership, AWRT nevertheless urges the Commission to consider strategies for increasing

ownership by women as an integral part of its efforts to promote program diversity.

Respectfully submitted,

AMERICAN WOMEN IN RADIO AND
TELEVISION, INC.

By:


Melodie Virtue

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June 13, 1994